CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.409
8 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND NINTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 8 May 1969, at 10.30 a.m.

Chairman: Mr. A.S. FISHER (United States)

GE.69-10070
69-35389

PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. J. NOGUEIRA FILHO
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEHIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. A.G. CAMPBELL
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. VAJNAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. K.P. JAIN
Italy:	Mr. R CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Mr. L.A. MALIKI

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. GEORGESCO
Sweden:	Mr. A. EDELSTAM
	Mr. I. VIRGIN
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. O.A. GRINEVSKY
	Mr. I.I. TCHERKOV
	Mr. N.S. KISHILOV
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
United Kingdom:	Mr. P. MULLEY
	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. N.C.R. WILLIAMS
United States of America:	Mr. A.S. FISHER
	Mr. C. GLEYSTEEN
	Mr. W. GIVAN
	Mr. T.S. WILKINSON
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (United States of America): I declare open the 409th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. FRAZAO (Brazil): Today I intend to present the views of the Brazilian Government on the item on our agenda (ENDC/236, p.3) related to a comprehensive test ban treaty and on the working paper (ENDC/242) submitted by the Swedish delegation.

3. As the Ambassador of India did in his intervention of 17 April (ENDC/PV.404, para.62), I should like to state that we deem adequate the three-tier approach to the ban on nuclear weapon tests and to the agreement on peaceful nuclear explosions. The extension to underground tests of the area of interdiction prescribed by the partial test ban Treaty (ENDC/100/Rev.1) is a most significant measure of arms control. Among other beneficial consequences, the total suspension of nuclear weapon tests will put an effective brake on the development of new sophisticated weapon-systems, thereby decelerating the nuclear arms race. It is certainly in the best interest of all nations, including those which have nuclear capabilities, to arrive without delay at a standstill in the nuclear arms race. It is highly doubtful, to say the least, that the deployment of new weapon-systems enhances the security of any nation. Actually this process inevitably leads to a parallel counter-escalation by the other side and to the resulting waste of resources badly needed to meet other problems of substantial magnitude and greater human significance. It has been implied that a decision on a comprehensive test ban has to be carefully weighed and viewed in connexion with other political developments. As I stated in my first intervention (ENDC/PV.405, para.8) we are bound by the limits of the political realities prevailing in the present international situation. However, we believe that a decision to stop all nuclear weapon tests should not be delayed. It would undoubtedly have a positive impact upon the prospects for strategic arms limitation.

4. In this context I should like to remind the Conference of the final paragraph of the joint memorandum on a comprehensive test ban submitted on 26 August 1968 by the eight delegations of the non-aligned members of this Committee:

> "Pending the conclusion of ... a [comprehensive test ban] treaty, the eight delegations reaffirm their strong and consistent view that the nuclear-weapon States should take immediate steps for the discontinuance of all nuclear weapon tests". (ENDC/235, p.3)

5. We are confident that once a political decision to negotiate a comprehensive test ban was reached, the remaining stumbling blocks could be overcome. I have in

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mind, of course, the problems related to verification and control. I shall not dwell upon them now, because I feel that the present difficulties derive rather from divergences of views between the Soviet Union and the United States as to control provisions than from the lack of a thorough examination of those problems. In these circumstances it might be superfluous to review at this point the vast array of formulae, suggestions and schemes that have been offered to meet such problems. Nevertheless, we believe that an agreement is possible, even if we take it for granted that seismological progress has not yet reached the stage where national means of detection can be deemed sufficient. A moratorium on all nuclear weapon tests above the ten-kiloton range is, for example, a measure that could conceivably be adopted without delay and without being exposed to technical criticism from a seismological point of view. This, however, should not deter us from endeavouring to negotiate with deliberate speed a comprehensive test ban treaty.

6. A reasonable and constructive approach to the problem of control is that contained in article II of the Swedish working paper. It can be legitimately assumed that no country would take the decision to sign and ratify a treaty only in order to perform the complicated and hazardous task of violating it. It is even more doubtful that any country would evade the solemn provisions of an international treaty and risk all the negative political consequences that would certainly entail its violating that treaty in order to obtain benefits which would probably be of limited military significance, especially if we bear in mind the enormous capabilities already held by the nuclear weapon Powers in their nuclear arsenals.

7. May I now turn to the question of the exceptions for nuclear explosions other than military ones. As I said at the outset, we consider the procedural provisions envisaged in the Swedish working paper to be reasonable and pertinent. After setting forth the general rule for a comprehensive test ban, the Swedish proposal introduces the concept of the necessary regulation of the explosions designed to serve peaceful purposes, to be negotiated in a separate agreement. I am sure that no one disputes either that a ban on military tests is necessary or that there must be adequate exemptions to ensure that scientific progress may go on unimpeded, when it is designed to serve the common interests of mankind. Both views have been strongly and consistently held by the Brazilian Government.

8. The Swedish working paper seeks to achieve the first objective, namely to prohibit all nuclear tests for military purposes in all environments. Together with the Moscow partial test-ban Treaty it is intended to become the statute for a

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comprehensive ban on the testing of nuclear weapons. But on the other hand, and as a second objective, it foresees the inescapable need to regulate the exceptions to the general rule.

9. The first objective falls clearly within the scope of the Eighteen-Nation Committee, since it is a typical measure of nuclear arms control, to the achievement of which high priority has been assigned by the General Assembly. It would successfully complement the Moscow Treaty and would constitute an important step in checking the arms race.

10. We would then be confronted with the necessity of negotiating a treaty regulating peaceful nuclear explosions, the third tier of our approach. It is the view of my Government that such regulation covers a field that goes beyond disarmament matters and should be considered within a different economic and political framework. In this context a clear-cut distinction should be made between the international regulation of the peaceful uses of nuclear energy and the measures to limit and reverse trends in the military uses of this same energy. The confusion of those two issues can be regarded as harmful to progress in either direction. The technology of peaceful applications of nuclear explosions is developing and we shall not have to wait too long before the impressive potential of these applications is put to use in specific projects. On the other hand, the knowledge for developing nuclear weapons of mass destruction has gone only too far.

11. Naturally, the complete development of the technology for peaceful uses of nuclear devices could not take place if all nuclear explosions were to be forbidden. The general prohibition of nuclear weapon tests must be so formulated that it does not hinder full-scale civilian use of nuclear devices. Any regulation of the use of such devices will, of course, provide for adequate international safeguards.

12. We consider that the working paper presented by the Swedish delegation deals with the question of peaceful nuclear explosions in a logical and well-balanced manner: it sets forth the general and universal rule of the prohibition that is applicable to all countries, whether nuclear or non-nuclear, without any loopholes, and leaves the question of the regulation of nuclear explosions for peaceful purposes -- which must be negotiated separately in another context -- to be the subject of a special international agreement. Mrs. Myrdal, and the Swedish delegation for that matter, have realistically refrained from going any further in prejudging what the contents of this special international agreement will be. Indeed there is an intrinsic difference between banning nuclear weapon tests, which is the matter before this Committee, and regulating peaceful nuclear explosions.

13. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Among the problems that have given rise to lively discussion during the present session of the Eighteen-Nation Committee on Disarmament, the question of prohibiting the military use of the sea-bed, the ocean floor and the subsoil thereof has occupied an important place. Many delegations have devoted special statements to this problem. A brisk exchange of opinions on various aspects of this problem and on the provisions of the Soviet draft treaty (ENDC/240) took place at the informal meeting of the Committee on 30 April of this year. All this testifies to the general understanding of the importance of this problem and is an encouraging factor giving grounds for hope that the discussion will enable us to achieve positive results.

14. Consideration of this problem has been concentrated on three important aspects, namely, the scope of the prohibition, the geographical area to be covered by the treaty, and control over the fulfilment by States of the obligations assumed under the treaty.

15. The statements made by representatives, as well as meetings and talks with representatives outside the meetings of the Committee, have enabled us to note that there is taking shape in the Committee a common approach to the solution of two of those aspects, namely, the area to be covered by the future treaty and the methods of defining its limits, as well as the question of control over the fulfilment of the treaty. In the positions of the delegations on these questions there are many points of contact. At the same time substantial differences are observable on the question of the scope of the prohibition.

16. There are two main points of view on this question. The Soviet Union, as is well known, proposes prohibiting any military use of the sea-bed and the ocean floor beyond the limits of a twelve-mile maritime zone. This interpretation of the question corresponds to the fullest extent to resolution 2467 A (XXIII) of the United Nations General Assembly, which notes the need to study the question of "the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor". Such a decision would be in accordance with the interests of peace and security of the peoples and the requirement of preventing the arms race from spreading to the sea-bed and the ocean floor. The Soviet Union's point of view has been supported in the Committee by the majority of the delegations that have spoken on this question.

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17. Thus, the representative of the United Arab Republic, Mr. Khallaf, stated that the position of his country is "to prohibit all military weapons and military activity on the sea-bed" (ENDC/PV.403, para.34). The representative of Sweden, Mrs. Myrdal, stated that "the prohibition must encompass all military installations" (ENDC/PV.405, para.77). The representatives of India (ENDC/PV.404, para.66), Mexico (ENDV/PV.402, para.27) and Brazil (ENDC/PV.405, para.29) expressed themselves in principle as being in favour of the use of the sea-bed and the ocean floor for exclusively peaceful purposes.

18. We have noted that during the current session altogether fourteen delegations have expressed themselves in one way or another in favour of prohibiting military activities on the sea-bed and the ocean floor or have supported the principle of the exclusively peaceful use of that field. The fact that the majority of the members of the Committee have expressed views on those lines is a reflection of world public opinion, which supports the thesis of the need to prevent the arms race from spreading to that part of the globe.

19. The delegations of the United States (ENDC/PV.397, paras. 35 et seq.) and the United Kingdom (ENDC/PV.404, para.21) have defended the point of view that the prohibition of the military use of the sea-bed and ocean floor should be of a partial character and should cover only certain types of military activity, namely that only the placing of weapons of mass destruction on the sea-bed and the ocean floor should be prohibited.

20. In its statement of 3 April of this year, the Soviet delegation dwelt in detail (ENDC/PV.400, paras.12-34) on the arguments put forward by the United States delegation in defence of that point of view. So far we have not heard from the United States delegation any new arguments or clarifications in respect of the position it has adopted. We should have liked the exchange of views in the Committee to be as lively as possible, as this would help the speediest progress to be made. In the interests of speeding up our work, permit me to explain briefly once again why the United States delegation's approach to the problem of prohibiting the military use of the sea-bed and the ocean floor gives rise to objections on our part.

21. In the first place, the kind of ban proposed by the United States would be insufficient, because it would not be able completely to exclude the sea-bed and the ocean floor and the subsoil thereof from the arms race. Nor would such a solution of the question correspond to the provisions of the aforementioned General Assembly

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resolution 2467 A (XXIII). The task is to take effective steps in order to prohibit military activities on the sea-bed and the ocean floor before the arms race spreads to that field. Otherwise we might find outselves faced with the necessity of solving not the problem of preventing an arms race in that field but the problem of putting an end to it, and experience has shown that such a problem is much more complicated.

22. In connexion with the discussion on the question of the scope of the ban on the military use of the sea-bed and the ocean floor, it has been argued that this question should be considered in close connexion with the question of the geographical area to be covered by the treaty. Thus, the United Kingdom representative, Mr. Mulley, speaking on 17 April, said:

> "Those two questions are closely linked and cannot be pursued separately; the area can be finally agreed only when we know what is to be banned, and vice versa." (ENDC/PV.404, para.20)

We should like the United Kingdom delegation to explain to us what, in its opinion, that link consists in. Should it be understood to mean that the more complete the prohibition the narrower will be the area to be covered? Or, vice versa, the narrower the concept of prohibition the wider will be the area to be covered?

23. In connexion with the discussion on the question of the scope of the prohibition some delegations have expressed the opinion that it would be desirable to define more precisely and enumerate the types of military activity which should be subject to prohibition on the sea-bed and the ocean floor. Experience has shown that attempts to draw up precise lists of various types of weapons and structures, or of various types of military activity, have often proved to be unnecessary and unsuccessful. On the contrary, broad, comprehensive concepts do not grow obsolete, since they apply also to new types of weapons or means of warfare.

24. The wording used in the Soviet draft treaty is sufficiently broad and covers the main types of military activity on the sea-bed and the ocean floor, and, moreover, not only those which are possible at the present time but also those which may become possible as a result of the development of military techniques.

25. In connexion with the discussion on the question of the scope of the prohibition there have been put forward proposals not to prohibit the use of the sea-bed and the ocean floor for the emplacement of defensive weapons. We believe that such a solution would be wrong, since by making an exception for certain types of armaments on the sea-bed, we would thereby fail to accomplish the task of preventing an arms race in that field. Experience has also shown that the difference between defensive and

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offensive weapons is very relative and that so-called defensive weapons can also be used for offensive purposes. Moreover, such an approach would lead us into a maze of endless discussions concerning concepts, definitions, exceptions and so on.

26. The wish has also been expressed that definitions should be worked out for such concepts as "military base", "military installation" and so on. We believe that it is hardly necessary for us to set about defining these concepts more precisely. The concepts in question have been used repeatedly, and are being used, in international treaties and agreements. It suffices to refer to the fact that similar concepts have been used in the elaboration of the Antarctic Treaty[1/] and the Treaty on Outer Space (General Assembly resolution 2222 (XXI annex). Since those Treaties have been in force, none of the states parties to the Treaties has ever questioned the accuracy or definitiveness of those terms.

27. In connexion with the discussion on the question of the scope of the prohibition, some delegations have referred to earlier statements of the Soviet delegation to the effect that a complete ban on the use of the sea-bed and the ocean floor for military purposes would not mean prohibiting the emplacement and use of means of communication, beacons and other structures having no direct military purpose, nor would it mean prohibiting the use of military personnel and auxiliary military equipment for peaceful research. Attempts have been made to interpret those statements as a kind of exception to the comprehensive ban proposed by the Soviet Union on the military use of the sea-bed and the ocean floor, and some delegations intimated that it would, allegedly, be desirable that the Soviet Union should make also other exceptions.

28. In connexion with such attempts at interpretation the Soviet delegation deems it necessary to explain that what is concerned in both cases is the peaceful use of the sea-bed, namely, the conducting of scientific research for peaceful purposes and the emplacement of means of communication, beacons and other structures having no direct military purpose. This is precisely what the Soviet delegation spoke about in its earlier statements, giving these examples as types of peaceful activity which do not at all conflict with the aim of completely banning the use of the sea-bed and the ocean

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1/ United Nations Treaty Series, vol.402, pp.71 et seq.

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floor for military purposes. The aforesaid types of activity cannot be regarded as "exceptions" to the principle of prohibiting the use of the sea-bed and the ocean floor for military purposes.

29. Further, we should like to put forward some considerations on the question of the geographical area to be covered by the treaty. In this problem there are two aspects, and we are gratified to note that in regard to both of them there are no differences of principle in the positions of the delegations.

30. First, the question of the compass of such a geographical area. Many delegations have expressed themselves in favour of the thesis that the treaty should cover as great a part of the sea-bed and ocean floor as possible. Thus, the representative of India, Mr. Husain, stated:

> "As regards the definition of limits beyond which the prohibitions should apply, there would appear to be no disagreement that as large an area of the sea-bed as possible should be reserved for peaceful purposes." (ENDC/PV.404, para.68)

The representative of Sweden, Mrs. Myrdal, stated that "the geographical area to be covered by the prohibition should be as large as possible." (ENDC/PV.405, para.78)

The United States representative, Mr. Smith, speaking on 25 March, stated that:

> "... the United States believes that the goal should be to apply the arms control measure to as broad an area of the sea-bed as possible; therefore the prohibition should, we think, apply to the sea-bed beyond a narrow band along the coasts of States." (ENDC/PV.397, para.42)

31. That is precisely the approach underlying the Soviet draft treaty, which envisages that the prohibition of measures of a military nature should cover the whole area of the sea-bed and the ocean floor beyond the twleve-mile maritime zone of coastal States. We are convinced that with such an approach it is possible to have the maximum area possible covered by an agreement on the demilitarization of the sea-bed and the ocean floor.

32. Secondly, the question of the method of defining the limits of the area to be covered by the treaty. Practically all the delegations that have spoken on this question have mentioned the desirability of separating this matter from the question of the limits of national jurisdiction, territorial waters and so on, and of working out,

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in order to define such limits, other criteria which would not affect and would not prejudge the complicated and controversial legal issues connected with the problem of the limits of national jurisdiction.

33. We believe that such an approach is the most realistic and therefore the most promising for a solution of the problem before us. Guided by the desire to separate the question of the limits of the area to be covered by the treaty from controversial questions concerning the limits of national jurisdiction, the Soviet Union has proposed establishing for the purposes of this treaty a twelve-mile maritime zone, beyond which the military activities of States on the sea-bed and the ocean floor and the subsoil thereof would be prohibited. In doing so we have in mind that the establishment and existence of such a zone would in no way affect problems of the national jurisdiction of coastal States and would not create obstacles to the exploitation of the natural resources of the seas and oceans.

34. We believe that the closeness of the points of view as regards the principle of the approach to this problem gives us grounds to hope for the achievement of agreement in this matter and in regard to the concrete application of such a principle. Our proposal for a twelve-mile coastal zone provides such a concrete solution of the question.

35. In connexion with consideration of the proposal to establish a twelve-mile maritime zone some apprehensions have been expressed regarding the rights of States whose territorial waters are narrower than the proposed twelve-mile maritime zone. What those apprehensions are concerned about is that States whose territorial waters do not stretch to a width of twleve miles might, it is alleged, find that foreign military installations would be moved closer than twleve miles from their shores. There are no grounds for such apprehensions. The Soviet proposal for the establishment of a twelve-mile maritime zone is based on the premise that such a zone is to be established for all coastal States irrespective of the width of their territorial waters. Consequently, also those States whose territorial waters are under twelve miles would be protected by the twelve-mile zone established for the purposes of this treaty. The solution to the problem which we propose is aimed at creating equal conditions for all States and does not allow of any interpretation that would lead to infringement of the rights of States whose territorial waters are narrower than the twleve-mile maritime zone.

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36. The question has also been raised in the Committee whether, in defining the limits of the area to be covered by the treaty, it would not be possible to combine the principle of a certain distance from the shore with the principle of the depth of the maritime waters. We believe that such a "combined" method would be wrong, first of all, because it would put the coastal States on an unequal footing by virtue of the difference in the geographical conditions of their situation and the nature of the surrounding sea-bed. Apart from all else, an attempt to co-ordinate such a method would give rise to great difficulties and might delay for a long time the elaboration of a treaty prohibiting the military use of the sea-bed and the ocean floor.

37. Some representatives have also referred in their statements to questions of how the treaty would apply to international straits, gulfs and so on. The Soviet draft treaty contains an answer to those questions. Article 3 reads:

> "The outer limit of the twelve-mile maritime zone established for the purposes of this Treaty shall be measured from the same base-lines as are used in defining the limits of the territorial waters of coastal States."

38. Thus, in defining the limits of this zone, account will be taken of the practice of States and the experience of international relations accumulated so far, which has been given expression in agreements and conventions. In particular, the Convention on the Territorial Sea and the Contiguous Zone signed in Geneva in 1958[2/] contains precisely formulated principles for determining the base-lines to be applied in designating the territorial waters of coastal States.

39. Turning to the question of control over fulfilment of the treaty, we note the existence of many points of contact in the positions of delegations on this question. Many of the delegations that have spoken have stressed the need to establish control and have suggested that we should be guided in this by the principles worked out for the verification of compliance with the Antarctic Treaty and the Treaty on Outer Space.

2/ United Nations Treaty Series, vol.516, pp.205 et seq.

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40. This, in our opinion, would be a reasonable approach, since the aforesaid two treaties and the proposed treaty on prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof, while differing in some respects, have many points in common as regards the nature of the problem and the solution proposed.

41. The draft treaty submitted by the Soviet delegation provides for the system of control used in those agreements, namely, free access to objects placed on the sea-bed and the ocean floor and the subsoil thereof, by States parties to the treaty on the basis of reciprocity.

42. Some delegations, if we are to judge from their statements in the Committee, maintain the position that the complete prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof would complicate the problem of control. Thus, for instance, the United States representative said on 25 March:

> "Consideration of the verification question also demonstrates the need to restrict the scope of the prohibition to weapons of mass destruction, since otherwise the task of inspecting the multitude of present and future facilities would be beyond capabilities." (ENDC/PV.397, para.41)

43. Such a point of view is incomprehensible to us. We have already pointed out in our statement of 3 April that, in our opinion, the complete prohibition of the use for military purposes of the sea-bed and the ocean floor would facilitate, whereas a partial ban, being limited to prohibiting only the emplacement of weapons of mass destruction, would complicate the problem of control (ENDC/PV.400, paras.22-27). We should like the United States delegation to explain its view that a partial ban would facilitate the problem of control.

44. Some representatives have raised the question whether it would not be possible to give control an international character. In our opinion, there is no need for this. Control based on the principle of free access has proved its effectiveness, particularly in verifying compliance with the Antarctic Treaty.

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45. The use of international means of verification would greatly complicate the problem of control, and the control machinery itself would most probably be cumbersome and inflexible. It should also be noted that the adoption of an international system of control would require substantial funds and appropriate personnel that could be used for other, more urgent needs.

46. Besides the aforementioned three important aspects of the problem of prohibiting the use for military purposes of the sea-bed and the ocean floor, the statements of delegations also touched upon other questions connected with the draft treaty, for instance, the question of the depositary countries; of the minimum number of ratifications required for the treaty to enter into force; of certain formulas of the preamble and so on.

47. We believe that these questions deserve consideration, but it will be easier to find solutions to them if we reach agreement on the basic questions. In this connexion I should like to stress that it is important that amendments or additions to the provisions of the treaty should be aimed at strengthening it and not at weakening it.

48. We should like to hope that as a result of the discussion the Committee will be able to come to a constructive decision and that in the Committee's report to the twenty-fourth session of the United Nations General Assembly we shall be able to state that we have succeeded in achieving a mutually acceptable solution which meets the interests of the peoples and is in accordance with the recommendations of the United Nations General Assembly, particularly its resolution 2467 A (XXIII).

49. We are convinced that to do so the necessary objective conditions exist and that the treaty prohibiting the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof can become in the fairly near future a real fact, exercising a positive influence on international life and on the further progress of the cause of disarmament. The Soviet delegation for its part will endeavour to contribute to the utmost to such a solution of the problem.

50. Mr. ECOBESCO (Romania) (translation from French): The Romanian delegation wishes to devote its statement today to the important and urgent questions relating to nuclear disarmament. Reference has frequently been made in this Committee to the reasons which make it necessary to negotiate without further delay agreements designed to halt the atomic arms race so as to lead in the end to the elimination of nuclear weapons. There are, however, two factors which are particularly relevant to the present stage of our negotiations.

51. First of all, we have in mind the serious danger implicit in the existence of nuclear weapons and their enormous capacity for destruction. This is the decisive factor which requires that energetic measures should be taken to eliminate such means of mass destruction and to remove the threat which they represent for the whole of mankind.

52. Secondly, the paramount importance of nuclear disarmament stems from significant documents which must guide negotiations at the stage we have reached. In fact, the legal obligation contained in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), the resolutions of the United Nations General Assembly and the agenda adopted by the Committee on 15 August 1968 (ENDC/236, p.3) define the task precisely -- the task of giving absolute priority to measures designed to halt the atomic arms race and to achieve nuclear disarmament and of examining these measures as a matter of urgency.

53. The criterion of the effectiveness of negotiations has been and still is the drawing up of specific agreements capable of directly attacking the nuclear weapons arsenals and of leading, finally, to the elimination of such weapons. The Romanian delegation holds that it is necessary to proceed with full and complete responsibility and with the utmost speed to the negotiation of such agreements.

54. It is in a spirit of consistency that we have declared ourselves in favour of, and have worked for, the taking of real steps along the road to nuclear disarmament. We wish to repeat, yet again, that Romania resolutely supports the accomplishment of radical measures capable of checking the nuclear arms race and of leading to the reduction and, finally, the elimination of the atomic threat. Accordingly we have supported, and continue to support, the efforts designed to abolish the use of nuclear weapons, to prohibit the underground testing of such weapons, to end their production, to reduce and destroy the stockpiles of nuclear weapons, to establish denuclearized zones and to limit and reduce offensive strategic systems and anti-missile defence systems.

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55. In this context, we should also like to mention the proposal put forward by the delegation of the Soviet Union to prohibit the use of the sea-bed and the ocean floor and the subsoil thereof for military purposes (ENDC/240), which has obvious implications for nuclear disarmament problems also.

56. We should now like to set forth our views on certain measures the implementation of which would smooth the way towards agreements of wider scope. We have in mind the prohibition of the use of nuclear weapons, the banning of all tests of such weapons and the establishment of denuclearized zones in various parts of the world. From the moment when the explosion of the first atomic bomb profoundly shook humanity to the present day, the prohibition of the use of these weapons has constantly been an ardent aspiration of all peoples, an aspiration dictated by the imperative need to preserve civilization and the human species. In that respect the concern and the efforts of the international community to outlaw nuclear weapons fit in quite naturally with the noble task -- manifested throughout the centuries -- which mankind has set itself in order to put reason and justice at the basis of relations between States and to remove the settlement of disputes from the realm of force.

57. The prohibition of the use of nuclear weapons would consequently be in keeping with the highest traditions which humanity has always encouraged and cultivated for the well-being of all, traditions which our generation has the duty to maintain and raise to a higher level. The condemnation of nuclear weapons -- a separate measure which occupies a well-defined place among the actions designed to reduce and eliminate the atomic hazard -- stems directly from the standards which must govern relations between States, from the fundamental principle of international law, as enshrined in the United Nations Charter and reaffirmed by United Nations resolutions, which forbids States to resort to force or to the threat of the use of force in their relations.

58. It was on the basis of those considerations that the United Nations General Assembly adopted, on 24 November 1961, the well-known Declaration which states that:

> "The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations"

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and that

"Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization" (resolution 1653 (XVI)).

59. Contemporary international law prohibits and condemns the use of any inhuman weapon; it condemns acts which are particularly dangerous and harmful to the values of civilization and the vital interests of the peoples. It is quite obvious that nuclear weapons and their use fall within those criteria. An eminent French jurist has said:

"We are bound to note that the use of the nuclear weapon must be considered, in the light of positive international law, not only as an unlawful act, but also as an infraction of international order and subject to penal sanctions. Indeed, since this weapon threatens in the highest degree the very existence of the international community and therefore the possessions which international law is designed to protect in the most effective way, and since, furthermore, by the effect it produces it is the most inhuman of all the weapons now existing, it must be admitted that the use of this weapon encompasses all the elements required for it to be classed among the infractions of international order."

And if the unanimously recognized principles of international law condemn recourse to the nuclear weapon, then the conclusion of an agreement expressly prohibiting this weapon cannot but result from the general standards of legality which it is incumbent upon all States strictly to respect.

60. If it is to produce such effects, the document to be drafted will need to have a binding legal value so that its universal observance can be imposed. In short, it will need to have the force of law. That is why we have declared ourselves and still declare ourselves to be in favour of the drawing up of an international convention explicitly and completely prohibiting the use of nuclear weapons. Such a measure would have profound political, legal and moral implications. From the political standpoint, it would help to improve the international climate, to encourage a relaxation of tension and mutual confidence and to facilitate progress along the road to the destruction of nuclear weapons. On the legal and moral planes, this measure would be a powerful factor of self-restraint in the behaviour of States

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and would strengthen international legality Of course we proceed on the basis of our unshakeable confidence in the value and the sacred force of law and its resources, placed at the service of the noble objectives of peace.

61. The essential task and the central purpose of international law are to preserve peace and security -- in the interest of the whole world -- to promote and defend respect for the fundamental rights of States, to ensure the conditions which are indispensable for the development of all the nations of the world, for their material and spiritual progress. It goes without saying that a decisive prerequisite for the well-being and flourishing of the human personality as well as of each nation is the maintenance of peace and the strengthening of security.

62. It is in this context that we wish to emphasize the importance that Romania attaches to the question of security assurances for the non-nuclear-weapon States. As is well known, this question was raised in all its acuteness in connexion with the negotiation of the Non-Proliferation Treaty Like many other States, Romania considered and still considers that countries which renounce the possession of nuclear weapons under that Treaty are entitled to ask that their security should be effectively assured. That is precisely why it appears fully justified to require that, until nuclear weapons have been completely eliminated, assurances should be given to countries not possessing such weapons that they will not be attacked or threatened with the use of nuclear weapons. It is incumbent upon nuclear-weapon States to undertake never, under any pretext whatsoever, to use nuclear weapons against non-nuclear States and never to threaten those countries with the use of such weapons. In this connexion it is necessary to adopt an appropriate instrument that would embody such a commitment.

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63. The particular importance of the question of security assurances was strikingly brought out at the Conference of Non-Nuclear-Weapon States held in September 1968. In the Declaration adopted on that occasion, it was stated that:

> "The participants of the Conference noted that there was a general acceptance of the fact that the future of mankind cannot be secure without the complete elimination, in the spirit of the United Nations Charter, of the use or threat of use of force. The Conference agreed that peace and progress could not be safeguarded for any nation unless the security of all nations is assured. The Conference stresses the necessity of further steps for an early solution of the question of security assurances in the nuclear era." (A/7277, pp.17-18).

Under the terms of that Declaration and by virtue of General Assembly resolution 2456 (XXIII) (ENDC/237) of 20 December 1968, an adequate solution to the question of security assurances must be of constant concern to States, both in the Eighteen-Nation Committee and in the United Nations.

64. The Romanian delegation is convinced that, by unflagging efforts and research carried out in common, in a spirit of co-operation and mutual understanding, it will be possible to achieve a satisfactory solution.

65. I now turn to one of the measures in the field of partial actions and agreements which, by its nature, is directly aimed at stopping the process of improving nuclear weapons and of increasing their destructive capacity. I refer to the cessation of underground nuclear weapon tests, the continuation of which serves only to intensify the atomic arms race which has long since reached saturation point.

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66. The urgent need to draw up an international agreement on the prohibition of tests arises not only from the direct influence of such tests on the development, both from the qualitative and the quantitative standpoints, of the nuclear arsenals. The accomplishment of such a measure stems also from the need to bring to a successful conclusion an action that began six years ago with the conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water (ENDC/100/Rev.1).

67. The goal which has been steadfastly pursued is the definitive stopping of all atomic tests for military purposes. In laying down the prohibition of tests in the three environments, the Moscow Treaty of 1963 did not have as its purpose the perpetuation of such tests in the underground environment. It is only through an erroneous interpretation - serving unilateral interests - of the spirit and the letter of the Treaty that such a conclusion could be reached.

68. Parallel with the prohibition of tests in the atmosphere, in outer space and under water, the Treaty stipulates that efforts shall be made with a view to the prohibition of such tests underground also. The third paragraph of the Preamble contains the provision, which is a guideline, concerning "the discontinuance of all test explosions of nuclear weapons for all time" and the determination of the parties to continue negotiations to that end with a view to putting "an end to the contamination of man's environment by radioactive substances". We thus have a clear definition of the objective of the prohibition of underground nuclear tests while, at the same time, the organic link between this measure and the 1963 Treaty is highlighted.

69. A retrospective glance at the period which has elapsed since the signing of the Moscow Treaty shows that, while discussions concerning the conclusion of an agreement to prohibit all tests of nuclear weapons for military purposes have been carried on intermittently and have never gone beyond the stage of general statements, underground explosions have continued at an accelerated pace, thus extending the atomic arms race. This situation is not at all in keeping with the meaning which the signatory States gave to the Moscow Treaty, namely, the need to discontinue all nuclear and thermonuclear tests.

70. Reference has been made and continues to be made to the obstacle represented by the establishment of an adequate control system. In fact, all the proposals and initiatives put forward during the last few years, especially by the eight non-aligned countries participating in our work, have been blocked by considerations of control.

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71. In our opinion - and similar views have been expressed by the delegations of many other States, both in the United Nations and in this Committee - the difficulties relating to control are not convincing arguments and cannot justify postponing the conclusion of an agreement on the prohibition of underground nuclear weapon tests. This is all the more true because scientific and technical progress has disclosed new data which strengthen the thesis that it is possible to carry out verification by modern means of detection and identification. The question is essentially a political one. As has been emphasized here repeatedly, its solution depends upon the political will of States - and upon that of the nuclear Powers in the first place - to come to an agreement.

72. In the case of the non-proliferation Treaty, which is aimed at a more complex regulation, it was possible to find a solution to the control problem. Does the agreement on the cessation of underground tests - which, by its object and its scope, appears to be a more limited measure - raise insurmountable difficulties regarding control? The elements available to the Committee point towards an answer in the negative. We consider that, if the nuclear Powers are determined to put an end to such tests, the conditions for a mutually acceptable solution exist.

73. The Romanian delegation shares the views that have been widely expressed here that the Committee has reached a stage where it becomes necessary to enter into intensive and persistent negotiations on the cessation of nuclear weapon tests. As the debate has brought out, it is the duty of the Committee, under General Assembly resolution 2455 (XXIII) of 20 December 1968:

> "... to take up as a matter of urgency the elaboration of a treaty banning underground nuclear weapon tests and to report to the General Assembly on this matter at its twenty-fourth session" (ENDC/237)

It should be pointed out that what the General Assembly requires of us is not an interim report but a report that will note the concrete results of our negotiations.

74. Moreover, there are certain circumstances which could facilitate discussions on this subject. We are thinking particularly of the fact that, unlike previous sessions, this time the Committee has before it, thanks to the commendable initiative of the Swedish delegation - and we should like to take this opportunity to congragulate that delegation - a working paper (ENDC/242) containing practical suggestions concerning the content of a treaty dealing with the cessation of underground nuclear weapon tests. After nearly six years of discussions, we can at last concentrate on a

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text drafted in treaty language. This is undoubtedly a positive fact which should advance our activities and enable us better to define both the questions in which a consensus already exists and those where persevering efforts are required so as to eliminate the differences in views.

75. In our opinion, the Swedish draft treaty has precisely the merit of rendering such a discussion possible while at the same time providing formulas which enable a thorough analysis to be made. The Romanian delegation does not intend to refer to that document in detail at the present stage of our discussions. Nevertheless, we would point out that it contains some original solutions, including those relating to control, which lend themselves to consideration by our Committee and require careful examination.

76. We also note that the draft treaty places the question of the prohibition of underground tests within the broader context of the cessation of the nuclear arms race at the earliest possible date and of measures in the direction of nuclear disarmament: that it reaffirms the important principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all parties to the treaty; and that it proclaims that resources, freed by measures of disarmament, should be channelled, to the greatest extent possible, to social and economic development, particularly of developing countries. After delegations have made known their general views on this working paper, it will doubtless be useful to subject it, as the eminent Swedish representative, Mrs. Alva Myrdal, suggested, to a "full and detailed discussion" (ENDC/PV.399, para.47).

77. To conclude this statement, I should like to refer to the question of denuclearized zones. The Romanian delegation considers that one of the measures which could help towards meeting the desire of the peoples for the realization of effective ways and means of eliminating the danger of the use of nuclear weapons is the establishment of denuclearized zones in various parts of the world, together with an undertaking by the nuclear States not to use atomic weapons against countries belonging to such zones, as well as the provision of adequate assurances concerning respect for the denuclearization status. The establishment of such zones is one of the factors designed to strengthen mutual confidence and good-neighbour relations among States in the respective regions and this would have positive effects on the consolidation of international peace and security.

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78. In considering this measure in the light of its beneficial effects on the general peace, Romania has hailed the signing of the Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186) and supports the proposals to establish similar denuclearized zones in Europe, Africa and other parts of the world. Working unremittingly in favour of the establishment of a healthy climate of détente, understanding and co-operation among States in the geographic region in which it is located, Romania, as is well known, has made proposals, which remain entirely relevant, that the Balkans should be transformed into a zone of good neighbourliness, free of nuclear weapons. The normalization of relations between the Balkan States, the intensification of their efforts and activities aimed at improving the climate in that part of Europe, the transformation of the Balkans into a zone of international peace and co-operation, would serve the interests of all the Balkan countries and would be, at the same time, an important contribution to the achievement of security on the European continent.

79. We endorse the view that the actual starting of multilateral discussions on the question of denuclearized zones might stimulate action and initiatives on the part of States which are interested in establishing such zones in the areas in which they are located.

80. The working document (ENDC/241) submitted by the Mexican delegation - for which we should like to express our appreciation - summarizes, while briefly recalling the negotiations which culminated in the conclusion of the Treaty of Tlatelolco, a positive experience which will be useful in the efforts that are being made to establish denuclearized zones in other geographic areas. We should like to take this opportunity to congratulate the Mexican delegation on the entry into force of that Treaty, an act which crowns the efforts made by the Latin American States over a number of years, efforts to which Mexico has made a valuable contribution. We regard as very thought-provoking the following comment contained in the Mexican working document:

> "... if it were feasible, for example, to bring into force a universal treaty similar to the Treaty for the Prohibition of Nuclear Weapons in Latin America, or Treaty of Tlatelolco, the problem of nuclear disarmament would be automatically solved, for this would imply the elimination of the gigantic nuclear arsenals existing in the world today." (ibid., p.1).

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81. So far as we are concerned, we should like to reaffirm that Romania desires to make its contribution to the achievement of that objective which is in full and complete accordance with the paramount desire of the nations to live in a peaceful world, from which the threat of nuclear weapons has been banished for ever.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 409th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Adrian S. Fisher, representative of the United States of America.

"Statements were made by the representatives of Brazil, the Union of Soviet Socialist Republics and Romania.

"The next meeting of the Conference will be held on Tuesday, 13 May 1969, at 10.30 a.m."

The meeting rose at 11.55 a.m.